

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JENNIFER MCARTHUR, ) No.  
 )  
Plaintiff, ) NOTICE OF REMOVAL  
 )  
vs. )  
 )  
THE ROCK WOOD FIRED PIZZA & )  
SPIRITS; KEEP ROCKIN' LLC; THE )  
WEDGE CORPORATION; DON BELLIS; )  
JAY GIGANDET; MELANIE FRASIER; and )  
BRIAN WALLIS, )  
 )  
Defendants. )

TO: THE CLERK OF THE COURT

TO: Plaintiff Jennifer McArthur

AND TO: Plaintiff's counsel, John G. Barton of The Barton Law Firm

Defendants The Rock Wood Fired Pizza & Spirits; Keep Rockin' LLC; The Wedge Corporation; Don Bellis; Jay Gigandet; Melanie Frasier; and Brian Wallis (collectively referred to as "Defendants") hereby give notice of removal of a civil action now pending in Washington State Superior Court in Snohomish County, Cause No. 14-2-02448-5, to the United States District Court for the Western District of Washington.

NOTICE OF REMOVAL -- 1

No.

m47224-2174701.docx

**GRAHAM & DUNN** PC  
Pier 70, 2801 Alaskan Way ~ Suite 300  
Seattle, Washington 98121-1128  
(206) 624-8300/Fax: (206) 340-9599

1           1.       Removal is based on 28 U.S.C. § 1441(c), and on grounds that this court has  
2 federal question jurisdiction under 28 U.S.C. § 1331, because the complaint asserts claims  
3 arising under 29 U.S.C. § 206 (federal minimum wages); 29 U.S.C. § 207(a) (federal overtime  
4 wage law); 29 U.S.C. § 216(b) (liquidated damages); 29 U.S.C. § 207(r) (damages under the  
5 Affordable Care Act for alleged violation of milk expressing protections); and 42 U.S.C.  
6 § 2000(e) (Title VII of the 1964 Civil Rights Act).

7           2.       Venue is proper in this District pursuant to 28 U.S.C. § 1391.

8           3.       Central to plaintiff's Complaint is alleged violations of the Affordable Care Act's  
9 protections for expressing breast milk, a federal statute which amends the federal Fair Labor  
10 Standards Act. Other federal wage and discrimination statutes are also involved.

11          4.       This action was originally filed in Snohomish County Superior Court on  
12 February 13, 2014, and an Amended Complaint was filed on April 21, 2014. Some (but not all)  
13 the Defendants were served on or about April 24, 2014. A copy of plaintiff's Complaint is  
14 attached as **Exhibit A** hereto. As required by 28 U.S.C. § 1446(b), this Notice of Removal is  
15 timely in that it has been filed within thirty (30) days of the first receipt of the summons and  
16 complaint by a defendant.

17          5.       A copy of this Notice of Removal is being served upon plaintiff pursuant to 28  
18 U.S.C. § 1446(d). A copy of this Notice of Removal is also being filed with the clerk of the  
19 Snohomish County Superior Court.

20           **WHEREFORE, NOTICE IS HEREBY GIVEN** that the above-captioned action,  
21 previously pending in the Superior Court of Washington for Snohomish County, is hereby  
22 **REMOVED** to this court.

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26  
NOTICE OF REMOVAL -- 2

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1 DATED this 22nd day of May, 2014.

2 By: s/Clemens H. Barnes

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17 *Attorneys for Defendants*

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19  
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26 NOTICE OF REMOVAL -- 3

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**CERTIFICATE OF SERVICE**

The undersigned declares as follows: on the 23rd day of May, 2014, a copy of the foregoing document was served, by messenger, on counsel for plaintiff, at the address set forth below.

John G. Barton  
The Barton Law Firm  
222 SW Everett Mall Way Ste 61  
Everett WA 98204

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Seattle, Washington this 23rd day of May, 2014.

By: s/Clemens H. Barnes  
Clemens H. Barnes, WSBA #4905  
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NOTICE OF REMOVAL -- 4

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